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PRACTICE LIMITED TO MATTERS BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION  
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ADMITTED IN GEORGIA  
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September 6, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**ORIGINAL**

Re: Comments in Rulemaking Proceeding  
Lisman Community Broadcasting Company  
MM Docket No. 95-78 (RM-8619,8678)

DOCKET FILE COPY ORIGINAL

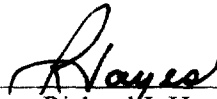
Dear Mr. Caton:

Transmitted herewith, on behalf of Lisman Community Broadcasting Company are "Comments" in the Rulemaking Proceeding at Stonewall, Mississippi.

Should any questions arise regarding this matter, please communicate with the undersigned directly.

Respectfully submitted,

By



Richard J. Hayes, Jr.

Counsel to Lisman Community Broadcasting Company

RJH:slr

Enclosure

(Our File: WCCOMNTS.324)

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON DC 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

<b>In the Matter of</b>	)	
	)	<b>MM Docket 95-78</b>
<b>Amendment of Section 73.202(b)</b>	)	<b>RM-8619</b>
<b>Table of Allotments</b>	)	<b>RM-8678</b>
<b>FM Broadcast Stations</b>	)	
<b>(Stonewall, Mississippi, and Lisman, Alabama)</b>	)	

**TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau**

**COMMENTS OF LISMAN COMMUNITY BROADCASTING COMPANY**

COMES NOW, Lisman Community Broadcasting Company with "Comments" in the above-captioned Rulemaking Proceeding. Lisman Community Broadcasting Company filed a Counterproposal in MM Docket 95-78 seeking the allotment of Channel 296-A as a first, local FM broadcast service at Lisman, Alabama. As indicated in Lisman Community Broadcasting Company's Counterproposal, Lisman, Alabama does not enjoy the service of either an AM or FM facility within its community. The Counterproposal of Lisman Community Broadcasting Company is mutually exclusive with the Petition for Rulemaking submitted by Stonewall Broadcasters (Mary C Glass). Stonewall Broadcasters seeks the allotment of Channel 295-A at Stonewall, Mississippi as that community's first local service.

On August 24, 1995, Stonewall Broadcasters submitted "Reply Comments" in this proceeding. In its Reply Comments, Stonewall Broadcasters states that

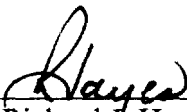
"In comparing requests for a first local service, the Commission is guided by the criteria set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Those priorities are: (1) first, full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. The respective proposals for Stonewall and Lisman both fall under priority 3. Thus, the Commission should compare the proposals by taking into account the other public interest matters. Where there are no other priority factors favoring (one community of license over another), the larger population is the most important factor in deciding the 'tie-breaker'. In fact, the Commission has often made the decision based on population alone." (See Reply Comments of Stonewall Broadcasters at Page 3).

Lisman Community Broadcasting Company wishes to bring to the Commission's attention, the fact that another Counterproposal has been submitted in this proceeding for Lucedale, Mississippi. The Lucedale Counterproposal seeks an upgrade for FM Station WRBE, presently operating on Channel 295-A. Allen Broadcasting Company, Inc., the Licensee of Station WRBE-FM, seeks Channel 295-C3 and desires that the Commission modify its license, accordingly. Lisman Community Broadcasting Company supports the Counterproposal submitted by Allen Broadcasting Company, Inc. at Lucedale, Mississippi and, furthermore, Lisman Community Broadcasting Company wishes to restate its intention to submit an application for Channel 296-A at Lisman, Alabama. Lisman Community Broadcasting Company will promptly construct the proposed facility if its application for construction permit is granted.

If, in fact, the Commission accords great weight to comparative areas and populations proposed by the various participants in this proceeding, it would seem quite clear that the population of Lisman, Alabama, when combined with the population to be served by the upgraded FM facility at Lucedale, Mississippi results in an increase of more than 84.5% in population to be served. As indicated in the attached Engineering Exhibit, an analysis of the mutually exclusive proposals in this proceeding makes clear the following facts: The Lisman, Alabama population to be served is 15,838. If an upgrade is awarded at Lucedale, Mississippi to Radio Station WRBE-FM, the increased population which would receive new service from the wide area FM facility is 112,713 persons. The total number of persons to be served by both facilities is 128,596. The area to be served by the new Lisman, Alabama FM facility and the upgraded facility at Lucedale, Mississippi totals 5,275 square kilometers. In contrast, a new FM facility allotted to Stonewall, Mississippi would serve only 69,710 persons in a geographic area of 2,504 square kilometers. Allotting a new FM facility at Lisman, Alabama and an upgraded facility at Lucedale, Mississippi would provide new service to 58,886 more persons and would increase the area served by 2,771 square kilometers. This represents an increase in population to be served of 84.5% and 110.7% in area served.

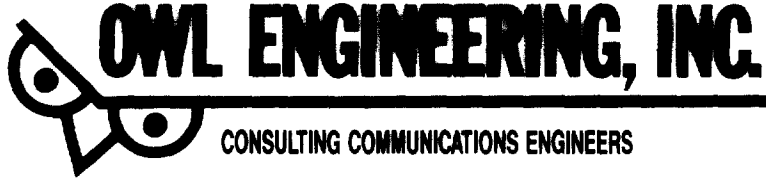
Lisman Community Broadcasting Company urges the Commission to allot a new FM facility at Lisman, Alabama and supports the Lucedale, Mississippi upgrade for Radio Station WRBE-FM. Combined, the allotment of two new facilities represents a greater use of scarce broadcast spectrum and, furthermore, is decidedly in the greater interest of the general public in two states. Clearly, the combined proposals of Lisman, Alabama and Lucedale, Mississippi are superior to the single proposal at Stonewall, Mississippi.

Respectfully submitted,

By  \_\_\_\_\_  
Richard J. Hayes, Jr.  
Counsel to Lisman Community Broadcasting Company

September 6, 1995

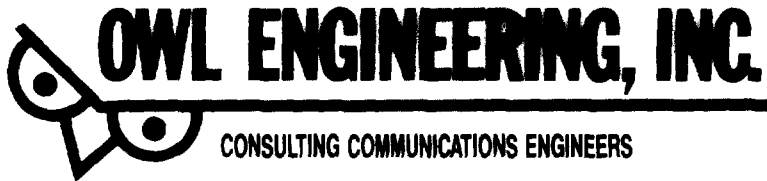
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**ENGINEERING STATEMENT ON BEHALF OF  
LISMAN COMMUNITY BROADCASTING COMPANY  
ANALYSIS OF MUTUALLY EXCLUSIVE PROPOSALS  
RM-8619 STONEWALL, MISSISSIPPI**



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Owl Engineering, Inc. has been retained by Lisman Community Broadcasting Company (hereafter LCBC) to prepare this analysis of two mutually exclusive proposals forwarded in MM Docket No. 95-78. It was originally proposed to allot channel 295A to Stonewall, Mississippi. Two mutually exclusive proposals were submitted, one at Lisman, AL and another at Lucedale, MS. The two proposals are summarized below:

**OPTION 1**

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Stonewall, MS	None	295A

**OPTION 2**

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Lisman, AL	None	296A
Stonewall, MS	None	None
Lucedale, MS	295A	295C3

The reference coordinates for Lisman, AL used in this study are:

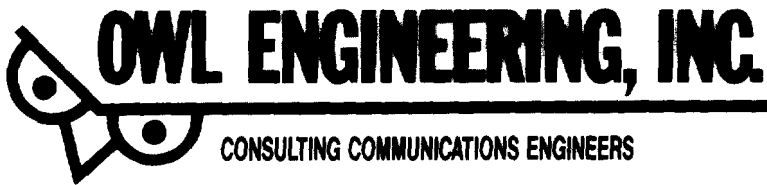
32° 02' 40" North Latitude  
88° 12' 40" West Longitude

The reference coordinates for Stonewall, MS used in this study are:

32° 12' 20" North Latitude  
88° 40' 07" West Longitude

The reference coordinates for Lucedale, MS used in this study are:

30° 58' 45" North Latitude  
88° 22' 35" West Longitude



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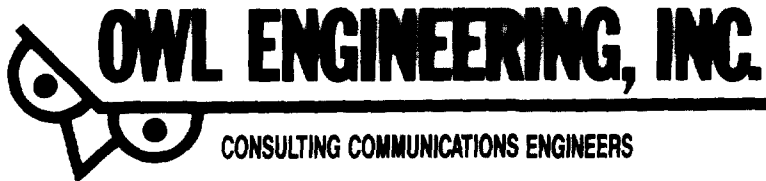
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Based on the coordinates indicated above, the distance from Lisman, AL to Lucedale, MS is 119 kilometers. The required separation for the first adjacent Class A to Class C3 relationships is 89 kilometers. These two proposals exceed the Commission's minimum mileage separation requirements by 30 kilometers.

In addition to the proposed Class C3 reference coordinates at Lucedale, the licensed facilities of WRBEFM, channel 295A at Lucedale were analyzed. WRBEFM is licensed to operate with an antenna Height Above Average Terrain (HAAT) of 79 meters and an Effective Radiated Power (ERP) of 6 kilowatts. The reference coordinates for WRBEFM, Lucedale, MS used in this study are:

30° 55' 58" North Latitude  
88° 36' 21" West Longitude

A comparison of the number of persons and area served by each of the proposals was completed. The F(50,50) metric curves of Figure 1 of Section 73.333 of the Commissions Rules were used to calculate the distance to the 1 mV/m (60 dBu) contour along the eight standard 45-degree spaced radials. The population count was made through the employment of a computer program containing a data base including the geographic coordinates of the centroids of population groupings based on 1990 US Census data. The area was determined by a computerized integration program. All contours assumed maximum HAAT and ERP for the pertinent Class of station with the exception of WRBEFM. The contours and resulting data for WRBEFM assumed their licensed parameters.



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Below is a tabulation of the population and area served by the predicted 60 dBu contours.

<u>Location</u>	<u>Population</u>	<u>Area (km<sup>2</sup>)</u>
Lisman, AL	15,883	2,503
Stonewall, MS	69,710	2,504
Lucedale, MS	133,448	4,775
WRBEFM	20,735	2,003

Based on these figures, the following increases in population and area served result:

**OPTION 1**

<u>Location</u>	<u>Population Increase</u>	<u>Area Served Increase(km<sup>2</sup>)</u>
Stonewall, MS	69,710	2,504

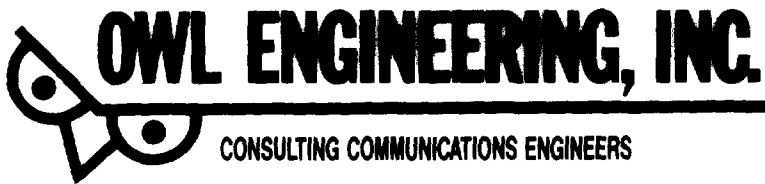
**OPTION 2**

<u>Location</u>	<u>Population Increase</u>	<u>Area Served Increase(km<sup>2</sup>)</u>
Lisman, AL	15,883	2,503
Lucedale, MS	112,713	2,772
(Total)	(128,596)	(5,275)

**CONCLUSIONS**

Based on the numbers provided above, option 2 will provide new service to 58,886 more persons and increase the area served by 2,771 km<sup>2</sup>. This represents an increase in population served of 84.5% and 110.7% in area served over option 1.





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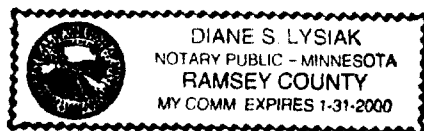
RAMSEY COUNTY                     )  
  )  
STATE OF MINNESOTA            )     ss:

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



Michael W. Radovich, P.E.

Subscribed and sworn to before me this date August 30, 1995



Diane S. Lysiak  
Notary Public

My commission expires January 31, 2000

### **CERTIFICATE OF SERVICE**

I, Sharon L. Rose, assistant to Richard J. Hayes, Jr., do hereby certify that a copy of the foregoing "Comments of Lisman Community Broadcasting Company" was mailed via first-class mail, postage prepaid, on this 6th day of September, 1995, to the following:

Mr. Herman Kelly  
Executive Vice President  
Allen Broadcasting Company, Inc.  
3276 Highway 198 West  
Lucedale, Mississippi 39452

Mary C. Glass  
P.O. Box 848  
Stonewall, Mississippi

Mr. Mark Lipp, Esquire  
Mullin, Rhyne, Emmons and Topel, P.C.  
1225 Connecticut Avenue, N.W.  
Suite 300  
Washington, D.C. 20036-2604

Counsel to Mary C. Glass  
(Stonewall Broadcasters)